

CITY OF MANCHESTER
PLANNING AND ZONING COMMISSION
MEETING MINUTES
MONDAY, DECEMBER 12, 2011

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<u>COMMISSIONERS</u>	<u>CITY OFFICIALS AND STAFF</u>
Jason Truesdell, Chairman (2014) James Labit, Secretary (2012) Joni Korte (2012) Tom Brown (2013) Jack Fluchel (2014) Mark Smith (2014)	Dave Willson, Mayor Mike Clement, Alderman, Ex-Officio member Franz Krintz, Planning and Zoning Director Cynthia Holten, Recording Secretary
<u>CASES</u>	<u>REPRESENTATIVES OF CASES</u>
CASE #11-SUP-005 Continued till January 12, 2012 A Special Use Permit is requested by Tim Meyers & Ryan Courtois of Renovations by Hoods to open a home improvement center at 14250 Manchester Road. The property is zoned C-1 Commercial	<ul style="list-style-type: none">• Renovations by Hoods Tim Meyer & Ryan Courtois 408 Kehrs Mill Road Ballwin, MO 63011 314 482 4677 (Meyer) 314 267 6028 (Courtois)• Lathrop & Gage Matthew Jacober 7701 Forsyth Blvd. Ste. 500 Clayton, MO 63105 314 613 2800
#11-SUP-006 A Special Use Permit is requested by Christopher Quail of Ridgeway Insurance Group LLC to allow Penske Truck Rentals as a separate business at their location at 14575 Manchester Road. The property is zoned C-1 Commercial.	<ul style="list-style-type: none">• Christopher Quail Ridgeway Insurance Group LLC - Penske 14575 Manchester Road Manchester, MO 63011 636 779 1680• Damon Bonds Penske Trucking Company 2210 South 7th Street St. Louis, MO 63104 314 256 4400
#11-TXT-001 A request by Benny Ling of HHC Investments Ltd., to amend the list of uses allowed in the C-1 Commercial Zoning District to include residential uses. Their property is at 14311 Manchester Road. This property is zoned C-1 Commercial.	<ul style="list-style-type: none">• Annie Wang HHC Investments Ltd. 14311 Manchester Road Manchester, MO 63011 314 757 8800
CASE #11-TXT-002 A request by Sandra Wilmoth of Midwest Marble & Granite to amend the list of uses allowed in the C-1 Commercial Zoning District to include lawn care services. The property is at 120 & 126 Old Meramec Station Road. The property is zoned C-1 Commercial.	<ul style="list-style-type: none">• Sandra Wilmoth Midwest Marble and Granite 120 Old Meramec Station Road Manchester, MO 63011 636 394 7227

1. **CALL TO ORDER**

Chairman Truesdell called the Planning and Zoning meeting of December 12, 2011 to order at 7:00 p.m.

2. **ROLL CALL**

Chairman Truesdell asked the Recording Secretary to take roll.

Commissioner/Secretary James Labit	Present	Chairman Jason Truesdell	Present
Commissioner Jack Fluchel	Present	Commissioner Mark Smith	Present
Commissioner Joni Korte	Present	Alderman Mike Clement	Present
Commissioner Tom Brown	Present	Director Franz Kraitz	Present
Mayor David Willson	Present	Cynthia Holten, Recording Secy	Present

3. **APPROVAL OF MINUTES**

Commissioner Mayor Willson made the motion to approve the minutes of November 14, 2011. Motion seconded by Commissioner Brown; motion approved by voice vote. The vote taken was recorded as follows:

<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Excused</u>
7	0	0	0

4. **APPROVAL OF AGENDA**

Chairman Truesdell asked if there were any changes to the agenda. Commissioner Labit made the motion to approve the agenda as presented. Commissioner Fluchel seconded; motion approved by voice vote. The vote taken was recorded as follows:

<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Excused</u>
7	0	0	0

5. **OLD BUSINESS**

- A. **CASE #11-SUP-005 – Continued until January 12, 2012** – A Special Use Permit is requested by Tim Meyers & Ryan Courtois of Renovations by Hoods to open a home improvement center at 14250 Manchester Road. The property is zoned C-1 Commercial.

Postponed.

6. NEW BUSINESS

- B. CASE #11-SUP-006** – A Special Use Permit is requested by Christopher Quail of Ridgeway Insurance Group LLC to allow Penske Truck Rentals as a separate business at their location at 14575 Manchester Road. The property is zoned C-1 Commercial.

Christopher Quail gave an overview of the history of the company and his vision of the Penske operation at this location. He purchased 877 My Insurance on February 25. At that time there were three contractors at that location with no walk in service and no employees. He said he expanded the operation to include additional insurance products and hired an office administrator and a data entry/Penske person and brought five jobs to the community. He said the goal for Penske is to keep the operation in Manchester to lower overhead expenses, keep revenue local and to grow his insurance business with walk in traffic and customer service.

Mr. Quail said the Penske service is set up as a pick up/drop off location and is not a warehouse for trucks. He said it is not intended to be filled with trucks constantly. It is a satellite location attached to Earth City and downtown St. Louis.

Mr. Quail said all of the maintenance services on the trucks are done off site so there would be no fueling, oil changing, or tire changing location. He said another positive is that it brings in business from the Fenton and Chesterfield locations.

Damon Bonds, a Penske specialist, said Penske is a truck renting service for residential and commercial businesses in the Manchester area. Mr. Quail is the representative of Penske in this particular market. Mr. Bonds said it is not a full service Penske operation but merely a satellite location.

Mr. Bonds said as far as traffic is concerned, there won't be much traffic because the trucks are provided to Mr. Quail just for his reservations. Mr. Bonds said there would be trucks that are turned in during and after hours, but the trucks Mr. Quail does not need, will be picked up by Penske.

Planning and Zoning Director Kraintz said as a matter of technical review, vehicle rentals in the C-1 Zone District are only allowed by Special Use Permit and thus this request. He said furthermore as a reminder the Commission can attach any conditions to help mitigate any of the impacts that might be associated with this special use. He said as Mr. Quail mentioned this particular office location has been an insurance office for some time but Mr. Quail had purchased it in February and is now looking to have this vehicle rental business.

Director Kraintz said staff reviewed the site and on one of the exhibits the truck parking is shown across the entire western side of the lot. However, the pavement is only up to about half of that and is diagonal. He said the grade of the slope of the ground falls off toward the rear of the property line to the north. Director Kraintz asked Mr. Quail if he was intending to pave that area and have parking there and asked for a description of the sizes and quantity of the trucks that will be rented at this location at any one time.

Mr. Bonds said when an area like this is considered, it needs to be able to house at least 4 to 5 trucks at any given time. He said the sizes range from an 11 ft. panel van, an 18 ft box truck, including cab space, and a 30 ft. box truck (including cab space). Director Kraintz said that the photos given to the Commission show that there is also employee parking there, and is concerned that there is not enough adequate parking for employees and the entire truck fleet.

Director Kraintz asked how the dispatching of these rental trucks would work, given that the trucks would be dropped off and picked up but not necessarily parked here for any length of time. Mr. Bonds said there is a full time dispatcher who manages 26 locations, 3 district locations and 23 agent locations. Penske shuffles trucks to and from those locations when needed. He said it is a rotating fleet so nothing is stationary and that the trucks could stay from overnight to two or three days. He said Penske likes to stay a day or two ahead of the reservations. Mr. Bonds gave an example of how the

truck dispatching would work. He said for example if Mr. Quail has a reservation on Friday and if there is enough fleet to bring him his trucks on Wednesday, to avoid extra hiking costs to Penske. He said trucks are delivered on a "just in time" basis because when trucks sit, they cost money. He said Penske's territory is from Columbia, MO all the way to Peoria down to Cape Girardeau. Mr. Quail added that it is not like the U-Haul location up the street because it is not a district office. He said there would only be 3 to 4 trucks at any given time and that there is adequate parking space for that. Mr. Quail said that if in some point in the future there is a greater demand of space, he would consider paving that back side.

Director Kraintz said these were some of the concerns staff had. He said he spoke to Mr. Quail about some of these items early on.

Chairman Truesdell said from the photos, he couldn't tell which areas are paved. Director Kraintz explained that the darker areas were grass and the lighter areas were paved. He said immediately in front of the building are six customer/employee parking spots and to the right is a paved truck parking area.

Commissioner Labit said from what he's hearing this isn't a location where someone could simply walk in and rent a truck right then. Mr. Bonds said there would be walk-in rental opportunities for customers if a truck is available at that location at that time even between reservations. Commissioner Labit said he understood the process to be that the trucks were delivered based on reservations and not rented out between reservations. He said this would necessitate having a truck or two available at all times in order to fulfill the reservations should the one rented between reservations by the walk-ins not be returned on time. Mr. Bonds said for agent locations, it is set up to do household local, one way. Usually when residents book reservations in advance, the truck is delivered. When the truck arrives early there is an opportunity to rent it out before it goes out for the intended reservation.

Commissioner Labit asked how they handle a truck that is returned with less than a full gas tank. Mr. Bonds said the customer can either fill up the tank or be charged a fee and the agent will fill it. Commissioner Labit asked if there was an inspection protocol followed when the vehicle is returned in preparation for the next customer. Mr. Bonds said there is a shop in Earth City and in downtown St. Louis City. He said they have a preventative maintenance program that after a truck reaches so many miles it is brought in for maintenance. Commissioner Labit interjected that his question was what [maintenance] will occur in Manchester. He said a truck has been returned a day early, a customer is going to use it, so how is it checked to make sure it is checked before it goes to the next customer. Mr. Bonds said that if a truck needs any type of preventative maintenance even at the lowest level, it will be picked up and brought to our shops to perform maintenance on it. The only responsibility that the agent has is it's full of fuel and maybe oil. If it is oil or any type of maintenance or level issue, Penske will take the truck to their shop and swap it out for a suitable truck and perform whatever maintenance is necessary. Commissioner Labit said so no trucks will be parked for prospective walk ins, only trucks for reservations and absolutely no maintenance of any kind done on the property. Mr. Quail confirmed but with the exception that there would be trucks dropped off from other locations that would be parked there a day or two before being picked up, and could also be used for local rentals. Mr. Quail said there typically would not be 4 or 5 trucks sitting on the lot and no maintenance provided.

Commissioner Labit said then is it a fair assessment that if business is good, and there were trucks coming in every day and being rented every day, there will be trucks there all the time. Mr. Bonds said that was a fair assessment, but with the notion that all the trucks there are for reservations. He said there are cancellations and a lot of different scenarios that would allow the truck to stay there for more than a set number of days. But the ultimate goal is to get the truck rented out as quickly as possible.

Commissioner Labit asked if this was a seven day a week operation. Mr. Bonds said it is a five and a half days a week with Saturday a half day and closed on Sunday. Commissioner Labit confirmed that should a truck be dropped off on Saturday, it is on the property until Monday.

Commissioner Fluchel asked if the expectant number of trucks per week was 4 or 5 trucks. Mr. Bonds said they want to rotate those out and rent trucks every day. Commissioner Fluchel said if there were twelve reservations for Saturday morning, wouldn't there be twelve trucks parked there from the day

before. Mr. Bonds said they would be brought in the day before or the day of, considering the restraints of City Hall. Commissioner Fluchel said according to the notes here, there is room for only eight trucks so what if there are more trucks ordered than there is room for. Mr. Bonds said when we sees a build up like that on a given day, they'll call the customers and stagger them in, since that would be a lot for an agent like Mr. Quail and his employees. Commissioner Fluchel said to have too many reservations would be a good problem to have.

Commissioner Korte said she was a bit concerned that it appears by the aerial photo there is not enough parking for the 5 or 6 employees and an additional 4 or 5 trucks, plus customer vehicles as well. Mr. Quail said there are only two employees on site full time and the other on site employees are agents that rotate in and out. These agents go out to check homes or autos or to talk to individuals.

Commissioner Korte asked if the ingress and egress entrances were included in the property line on the west side. Director Kraitz said the photo showed a shared access on the driveway to the west as well as on the east. Mr. Quail confirmed and said there is a veterinary clinic on one side and a paint store on the other.

Commissioner Brown asked how they would handle multiple rentals when all the customers arrive at the same time. Mr. Quail said he would be unable to accommodate them and would have to turn them away. Commissioner Brown said you could if you pave that field later on. Mr. Quail said he was also looking at other locations to expand. He said he also has drop offs that come from out of state.

Commissioner Brown said there are a number of trees in the rear of the property in front of the adjacent residents and asked if anyone had talked to these residents about the nature of the truck rental business. Mr. Quail said he has not spoken to any of the residents. Commissioner Brown suggested that he do so.

Mayor Willson said he'd rented trucks from Budget in Des Peres and discovered that although there are several trucks on the lot, they weren't available without a reservation. He said that the walk in trade may not necessarily always have the truck available at the time the customer wants it which is the risk the walk in customer takes. So Mr. Quail and Penske will have to figure out what types of trucks are most in demand and available for these walk ins. It's not the City's place to tell you how many trucks or types of trucks you should or shouldn't have.

Mayor Willson said even though this location is zoned commercial and there is a large buffer of trees between your business and the residents, he advised that Mr. Quail talk to the nearby neighbors.

Commissioner Smith asked why a vehicle rental in the C-1 Zone District is not a standard permitted use. Director Kraitz said he didn't know how long that had been in the zoning ordinance. He said the list of uses in the C-1 Zone District has remained unchanged for quite some time. He supposed that the City fathers who initially drafted it, thought that vehicle rentals posed some sort of impact and rather than being permitted, felt it would be better to impose conditions as needed. In this case, it doesn't appear to be any kind of maintenance. He said Enterprise Rental, for example, has a wash bay so those things had to be captured, treated and what not.

Commissioner Smith said usually when vehicles are returned there is some sort of clean out and check list and asked if there would be any vehicle washing or the like done on-site. Mr. Quail said there is no washing of the vehicles, just wiping down of the cab, and a checklist to check for damages inside and/or outside of the truck and to check the fuel level.

Alderman Clement said he is very familiar with Dr. Steinberg, the veterinarian who owns the clinic adjacent to this property and asked Mr. Quail if he'd talked to Dr. Steinberg about how the Penske truck rental business would impact him or to get his opinions. Alderman Clement said Dr. Steinberg has quite a lot of business and shares that location's ingress and egress. Mr. Quail said he has not contacted Dr. Steinberg.

Alderman Clement said it is not easy to enter or exit Manchester Road from this location particularly if one wanted to turn east. He said he feels that if any trucks were parked on the east side, especially with

the heavy flow of traffic to and from the veterinary clinic, Dr. Steinberg's business would be impacted. He asked Mr. Quail if he would need the east side for truck parking and would use only the east side to enter and exit the property. Mr. Quail said he wouldn't need the east side for parking, but stated that all three businesses use all the entrances to that location. He said the customers at the clinic constantly use the entrance at the front of his building. Alderman Clement said that the photo of the property doesn't seem to include those entrances. Mr. Quail said he believes that these entrances are part of his property per his research.

Alderman Clement said whenever the City looks at space or properties being used for vehicles, there always is a bit of hesitation because the count on the vehicles always increases and the vehicles always creep closer to Manchester Road. He then asked if Mr. Quail would be willing to cap the number of vehicles parked at one time on the property to four and to park them all in back of the front of the building on the west side. Mr. Bonds asked if that could be restated to allow four but not limited to more than six trucks. Alderman Clement reiterated that there is a "creep" factor of an increase in vehicles and suggested to the Commission that they put a cap on the number of vehicles allowed on this property at any one time, to limit the parking to the back of the building and to protect the veterinary clinic from the big trucks, only use the western ingress/egress.

Mr. Bonds said that when there is a cap placed on the number of vehicles, this hinders the ability to stay in business with the Penske opportunity. He explained that Penske understands the concerns of the city and when those limits are reached, the trucks will be picked up. He added that limiting to only four trucks would be too restricting.

Alderman Clement said that Mr. Bonds had stated earlier there would be no more than three or four trucks and said if that limit needed to be changed, Mr. Bonds could always come back to the Commission or Board of Adjustment and ask for a change to the Special Use or seek a variance. He reminded Mr. Bonds that there was the unpaved area in back of the building that could possibly be paved and used for truck parking. He said he did not want to see a bunch of trucks seen from Manchester Road and causing a problem for those businesses on either side who have to share those entrances. Mr. Bonds said he understood and could agree to four if he would be able to come back for an amendment should they need to increase the limit.

Alderman Clement asked Mr. Bonds if he agreed to having only four trucks and parking them all on the western side behind the front of the house. Mr. Quail said he would be agreeable to having five vehicles if limited to one side of the building. He said they really need the other side as per their original plan. He said five trucks can be parked comfortably behind the building line and that he would not park any of the trucks in front. Alderman Clement asked if the space on the east side was used could Mr. Quail guarantee that the trucks would always exit out of the western edge of the property. Mr. Quail said he would.

Alderman Clement summed up what was agreed to by Mr. Quail. There would be five trucks, the east side could be used, all trucks would be parked behind the building front and all trucks would use the west side to enter and exit.

Mayor Willson said unless this veterinarian overbooks like a regular M.D. and cars are streaming in and out continually from 8:00 am to 6:00, there doesn't appear to be a traffic problem caused by the trucks that will be rented and out of the lot for a day or so.

Mr. Quail said the Mayor was correct. He said normally there are no vehicles parked out front. There is occasionally one for a drop off and one for a pick up, but most of the vehicles are parked in the rear of the building. He added that the clinic employees will have the animals use his back property since it is the only patch of grass on the lot.

Alderman Clement interjected that there is quite a bit of traffic there and that there was also parking on the east side of the clinic. He said he's been to the clinic and there were usually three or four customers inside and they all arrive at the same time. Mayor Willson said more than likely the appointments are spaced so that the patients don't all arrive at the same time and wouldn't be impacted by the trucks next door, but agreed that making the west side the truck entry would help.

Commissioner Fluchel said that the way the parking lot is laid out, one comes in on the west and goes out on the east because of the way the cars are angled. He said a big truck would have to park on the west and couldn't even make that turn. He said the big trucks would have to go out the west entrance but can't be limited to only going out of that entrance. He said this would only create a problem of someone trying to back around a corner to get to the other end if parked in one of the six spots in the front. Alderman Clement said that the six spots were strictly for cars or trucks. Commissioner Fluchel said that if it is a Penske van and ends up in one of those spots by a customer, now there's a problem trying to turn it around in too small a spot.

Commissioner Brown asked which angle would the vehicle be parked and described how one angle would result in an exiting problem. Mr. Quail said the plan is for one vehicle on the east side and agreed it would be difficult to maneuver against the parking to get it out of the west entrance.

Chairman Truesdell said he had some very serious concerns this planned use for the property. He said it appeared the property is being pigeon holed into a use that it was not designed for. He said there just is not the level of parking required to be able to maneuver these trucks safely in conjunction with other traffic around there. He said he is predisposed against this because he doesn't feel this facility is designed for this type of operation.

Chairman Truesdell asked where the nearest Penske location similar to the petitioner's operation was. Mr. Bonds said there is one in Chesterfield and one in Fenton. Chairman Truesdell asked if Mr. Quail owned or leased the property and if he had discussed this operation with his landlord. Mr. Quail said he was leasing the building and had sent his landlord information. Chairman Truesdell said he felt this operation would greatly increase the wear and tear on this lot and on Manchester Road as well.

Chairman Truesdell said a potential solution would be to pave the lot behind the building because that would provide the level of parking that is required and asked if the landlord would be receptive to doing this and who would be paying for the paving. Mr. Quail said he didn't think the landlord would be opposed to it but the expense would be his.

Chairman Truesdell said in theory the trucks are delivered to the site but picked up by the central office. He opined that in actuality what is likely to happen, is there will be a regular fleet of trucks at this location. They may be used on a daily basis but it doesn't seem like it would make business sense for Penske to keep moving these vehicles back and forth from this location to the central fleet location, when there are frequent rentals. He said in practical use, there will likely be 4 to 6 trucks parked there because of the benefit mentioned to having walk-in business. Mr. Bonds said the agents make their money by reservations not by walk-ins and their primary source of revenue is one-ways, which is about 80% of their income. Chairman Truesdell asked how many trucks are in the Penske fleet. Mr. Bonds said locally there are 700 trucks, 23 agent locations, and three district locations.

Chairman Truesdell said even though there doesn't appear to be a large walk-in business, he cannot see Penske picking up and delivering trucks only for reservations and not having trucks available for the walk-in trade. Mr. Bonds said this is on a busy street and Penske has not had this type of street to deal with before so the intention is to have this location make reservations in advance. He said the frequency of Mr. Quail renting trucks will be at a high rate.

Chairman Truesdell said he assumes Penske will do an analysis of what trucks are most frequently rented and will have those available on the premises so the central office doesn't have to move them back and forth. Mr. Bonds said that was the plan but he understands the municipality has rules.

Chairman Truesdell referred to the suggestions made by the Commission about limiting the number of vehicles on the lot and the use of the specific ingress/egress on the property. He again reiterated that he believes there will be a "creep factor" here and said the City doesn't want to have its police force constantly checking to assure that the allowable number of trucks are parked on this lot, that they are parked in the appropriate direction and that the agreed upon ingress/egress is being used. He advised that Penske not enter into an agreement where they are in the position that this agreement would have to be constantly enforced. He said because there is a crunch for time, he doesn't think that a detailed

set of rules will be adhered to. He said while this is not an inappropriate business, it may be an inappropriate location.

Chairman Truesdell was concerned about the possible noise that diesel trucks can generate when idling as well as other possible nuisances associated with these trucks. Mr. Bonds said about 40% of the trucks are diesel. He said in the cold weather the trucks idle for a short time in order to assure they will run smoothly for the customers. He said with new technology, the trucks are not as noisy so he didn't feel it would be an issue. Chairman Truesdell said there could be the case where three customers are picking up trucks on a cold morning and they are idling for 20 or 30 minutes. Mr. Bonds said the district local trucks with the lift gates all have glow plugs, but the one-way trucks that Mr. Quail will frequently be renting do not. He said these trucks have a different engine that has more cranking amps to start. He said that there are no semi-trucks. There will not be any tractors or trailers on the lot at any given time. He said only the large trucks have air brakes. Chairman Truesdell asked if a CDL were required to operate these trucks. Mr. Bonds said the trucks are less than 26,000 lbs so none require a CDL. There are only two none CDL refrigerated trucks which do not get rented out to the agent base.

Chairman Truesdell asked if additional staff would be hired to handle this new business. Mr. Quail said he currently had enough staff.

Chairman Truesdell said he currently cannot support this use. He reiterated that he felt the property is not set up for it. While he didn't want to discourage Mr. Quail from entering a new line of business, this is not the facility to operate this type of business in.

Commissioner Brown confirmed that since these trucks have glow plugs, no ether is used. Mr. Bonds said if a truck needs a jump start it is done by the central shop. To avoid this, there are cold start procedures in place.

Commissioner Brown confirmed there is an after-hours drop off and there is the potential of having as many as ten vehicles parked on the lot at one time. Mr. Bonds said that the trucks would be picked up the next day during regular business hours.

Commissioner Labit said he was uncomfortable with putting any limitation on a business on what it can or cannot do, but to address the number of trucks concerns he suggested that where there is truck parking on the east, either pave or gravel a 40' wide area behind the building. He pointed out that the veterinary clinic has a circulation around the building for parking and this would help Mr. Quail's truck parking situation greatly. He also suggested that signs are posted so customers would know where to park the returning trucks. He said this would provide ample parking, make it easier to maneuver the trucks and create a cleaner looking lot.

Alderman Clement asked if Commissioner Labit was willing to stipulate that the back area be graveled or paved to make that change. Commissioner Labit said he strongly suggests that Mr. Quail consider doing this especially since his lot is designed for cars and not big trucks. Mayor Willson commented that these trucks will be driven by non-skilled drivers too. Chairman Truesdell said the Commission could make paving the lot a condition of the Special Use Permit. Director Kraitz said this appears to be one of the conditions this Commission feels is required in order to effectuate proper circulation, accessible ingress/egress as well as mitigate some of the volume and parking problems.

Chairman Truesdell asked Mr. Quail if he would be willing to pave that back lot. Mr. Quail said he wasn't opposed to graveling that area eventually but not paving.

Commissioner Fluchel suggested the area be graveled with a limit of five trucks, but if there are more trucks than that, the area would need to be paved.

Chairman Truesdell said he agrees with Commissioner Labit about not imposing a limitation on the number of trucks that can be parked there, but stipulate that they all must be parked on a paved surface. Director Kraitz said the code reads that an improved surface for parking includes a 6" base of compacted gravel, asphalt or concrete materials. Commissioner Fluchel suggested the front be striped and arrows painted to show where the truck parking is.

Commissioner Brown asked if a Penske sign would be put on the building. Chairman Truesdell pointed out that the signage information was included in the application papers.

Director Kraintz said it sounds as though the Commission is seeking a new site design and suggested that the applicant redesign this in its final format for their consideration. He said, otherwise conditions could be stipulated without really seeing what it would look like and what is actually intended, the conditions may not be what the Commission is requesting. Alderman Clement said this case will also come before the Board and the Board will have many of the same questions and conditions as well and advised the applicants to go forward and rethink this based on tonight's discussion.

Commissioner Labit referred to the photo and suggested a paved design that would allow for traffic circulation and truck parking so that the applicant would not necessarily have to do more, but just in a different, more efficient way. Director Kraintz reiterated that both this Commission and the Board would want to see that new design.

Commissioner Brown agreed with Director Kraintz adding that the Commission needs to see the redesign, but also the striping leading to the proper direction and the signage. He said he could not approve it as shown tonight.

Commissioner Brown made the motion to table CASE #11-SUP-006 pending submission of further information on the site plan redesign specifically relating to striping of the parking spaces in the front, and the addition of an approved surface behind the building. Commissioner Labit seconded the motion; it was passed by voice vote. The vote taken was recorded as follows:

<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Excused</u>
7	0	0	0

- C. **CASE #11-TXT-001** – A request by Benny Ling of HHC Investments Ltd., to amend the list of uses allowed in the C-1 Commercial Zoning District to include residential uses. Their property is at 14311 Manchester Road. This property is zoned C-1 Commercial.

Annie Wang was representing her brother-in-law, Howard Chen. Ms. Wang said she originally co-purchased the building with her sister. After Ms. Wong retired, Mr. Chen took over. She said her sister and brother-in-law live in Vancouver and she has been trying to lease and keep up the building all these years. She said with the bad economy it has been very difficult to lease, the taxes are high and the building has been empty for the last three years. The rent for the first floor tenants was cut in half in an attempt to keep them.

Ms. Wang said the upstairs was originally an apartment, but when she purchased it there was a dental office in the upstairs and the current zoning does not allow tenants to live in this office. She said she put a "For Lease" sign in the window and received inquiries for leasing an apartment, however, this is not allowed by the current zoning.

Ms. Wang said the building is currently for sale. She said it isn't a big building but the upstairs has room for three bedrooms, a living room, a dining room, and a kitchen. If the City would allow the upstairs to be used as a residence where the owners to live and operate a business below, there would be greater opportunity to sell the building.

Director Kraintz said, as was mentioned, residential uses in the commercial zoning district are not permitted. He said but since this is along Manchester Road, one of the central strategies of the Great Streets Plan was to bring higher density residential uses near or in proximity to the corridor as a way to create vitality and markets that would help boost the commercial aspects of the corridor. He said he didn't expect this Commission to make any quick decision about reintroducing a residential component into the commercial district, but as Mrs. Wang has asked, would this Commission at least entertain the consideration of it as a recommendation for a text amendment to the C-1 list of uses. He said it is interesting that people are interested in this type of living in that district and pointed out that it would

fit in with the Great Streets Plan. He said there would be the street level retail with offices and the potential residential component on the upper floors much like is seen in other business districts.

Chairman Truesdell said the Commission cannot grant a Special Use Permit because it is a prohibited use, but if we make a favorable recommendation to the Board an amending a list of uses allowed in C-1 Commercial Zoning District to allow residential uses, would we need language from the City Attorney in terms of how to define that use. Director Kraintz said it would either be listed as single-family or high density residential. As far as any guidelines or qualifications for allowing it were concerned, the Commission could craft the necessary language with review by the City Attorney. Chairman Truesdell asked if the Commission were in favor of adding residential uses to the list of permitted uses in the C-1 district, then would the City Attorney provide suggested language. Director Kraintz said he would if it was any different from that.

Chairman Truesdell asked if this Commission has the authority to add that list of permitted uses or do we simply make a recommendation to the Board of Aldermen. Director Kraintz said this Commission would make a recommendation to the Board.

Commissioner Labit asked what this Commission was asked to do about this case tonight. He said he understands it is a consideration for language change. He said when we went through that process before there were about three people who reviewed the uses, considered different options, and then came back with a recommended list. Director Kraintz said the Commission is being asked to consider residential uses in the commercial district. He said the Commission could make a recommendation for these uses, or request a study on these uses, or determine whether these uses continue to be prohibited. He again referred to the Great Streets Plan and how that mix of residential in the commercial district is part of Plan. He added that possibly single-family residential would be excluded but high density residential could be considered depending on the building structure, need and market for it as well as the parking needs and issues for this type of use.

Commissioner Labit said he agrees that the Great Streets idea of this mixed use should be considered and a study be made of the various issues that would results from having these types of mixed uses. He asked if a person buys the building and chooses to live in the upstairs, since it would not be a rental situation would that person be precluded from doing that today. Director Kraintz said currently an owner would be prohibited from living in the building he purchased in the commercial district. Commissioner Labit said to have residential use in any building of any type would require some thought and consideration and the best the Commission can do tonight is to make a motion to form a group to study that consideration. Director Kraintz said the Commission could create a group for this purpose or direct staff to prepare some language and options to flush out the issues. Commissioner Labit asked if this something that would eventually need to be addressed especially with the impending Great Streets Plan. Director Kraintz confirmed it would be, but added that the initial Great Streets Plan discussions and plans of action are focused on the various signage along the corridor, and discussions on the actual land use could be years away. Commissioner Labit commented that sometimes outside interests could help those ideas and issues be considered sooner than later. Director Kraintz agreed. Commissioner Fluchel confirmed that before the Great Streets Plan, the comprehensive plan also contained this mixed use and parking idea. Mrs. Wang interjected said that the parking was no problem because there was parking for about ten cars. Commissioner Korte said she was in favor of investigating it.

Commissioner Brown said he also was in favor of further investigation and asked how many other communities do this. Director Kraintz said Delmar Avenue in University City has been designated by the American Planning Association (APA) as one of the top 10 Great Streets in the United States and it definitely has a residential component within and near the corridor. Other communities such as Kirkwood, Webster Groves, and Maplewood have street level retail, offices on the second or third floor as in some cases, high density residential mixed in. This creates a captive market where residents can take advantage of the restaurants, shops, etc., and because they are in close proximity to where they live, their convenience needs can be met. These are all tenets and strategies of the Great Street Plan. Commissioner Brown said it's not just bringing in a business, it's bringing in a family, a tax base and it's something our City should do.

Mayor Willson said he'd grown up in University City and said that Delmar Loop was the place to go even back in the 50's and 60's so he found this APA award interesting. He said even back then, people lived above the businesses, so it's not a novel idea. Many other communities also have this and this is the trend and something we should look at.

Commissioner Smith said he agreed that this is something the City should look into sooner rather than later. He said he's not sure why it is not permitted now, since it had been before, but it's time to reconsider it.

Director Kraintz said the way zoning was structured in the last ten or twenty years there was a big push to separate disparate types of uses, such as separating commercial from residential uses. Mixing of different uses now has become part of a realization that the separation of uses fosters more vehicular traffic and related costs. Now the push is to combine these uses, promote more pedestrian traffic and creating a sense of place.

Commissioner Smith suggested that staff look into this and get an idea of the inventory of buildings we have and the potential for this type of use.

Alderman Clement asked what the argument was to not have residential uses in the C-1 district. Chairman Truesdell said a possible argument could be that the City wants to maintain this as a business district and if a business closes and converts to residential use, it's a very good possibility that a business would not reopen there. He suggested that should this be amended, that the amendment would state that it is required that the first floor of any building in the commercial district be commercial and only upper levels can be residential. Director Kraintz said many of these businesses began as residences but are now commercial. He strongly recommended that allowing residential uses be limited only to the upper floors not at the street level which should be reserved for commercial uses. Chairman Truesdell said there is also the ADA consideration in keeping the first floor commercial.

Alderman Clement asked if there would be any conflict with the Historic District Overlay. Director Kraintz said that the Historic Overlay does allow single family residential use in the historic structures only. He said there might be some melding of the two uses.

Chairman Truesdell said we have a resident and property owner who has petitioned the Commission to look into this issue and he said he would be in favor of City staff of looking into this as a permitted use within the commercial district, emphasizing that first floor remain commercial.

Commissioner Labit made the motion to have city staff look into possible revision to permit residential uses in the commercial district on CASE #11-TXT-001. Chairman Truesdell seconded the motion; it was passed by voice vote. The vote taken was recorded as follows:

<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Excused</u>
7	0	0	0

Director Kraintz said to Mrs. Wang that the Commission has tasked him with looking into her petition for possible changes to the commercial district which will take some time. Chairman Truesdell explained that this would apply to all not just to Mrs. Wang's business and that residential use is still not permitted in the commercial district and won't be until this has been approved by the Board.

Mrs. Wang thanked the Commission for its time and wished the Commission happy holidays.

- D. CASE #11-TXT-002** – A request by Sandra Wilmoth of Midwest Marble & Granite to amend the list of uses allowed in the C-1 Commercial Zoning District to include lawn care services. The property is at 120 & 126 Old Meramec Station Road. The property is zoned C-1 Commercial.

Sandra Wilmoth, owner of Midwest Marble and Granite, said her limited liability organization owns property at 110, 120, and 126 Old Meramec Station Road. She said her property has been on the market since June 2010. She said she finally has a potential offer on one of those three parcels. Prior to the final formal presentation of an offer, the interested party requested her to seek a text amendment of the City code to allow lawn care service businesses in the C-1 Commercial Zone District.

She said the business entity is Lawn Managers and the owner is Linda Schwefel. She said in addition to the lawn care business, there are numerous other facets to this business enterprise that add considerably to the scope and depth of that business. She said this company also provides outside structure maintenance, power washing, staining of decks and patios, seasonal planting, retail sales of lawn and garden equipment and lawn care supplies, and also do a considerable amount of marketing, printing and direct mail primarily for their own business but also for other customers. She said the issue of outside storage and the collection remittance of sales tax have been discussed with this potential buyer and there is agreement to comply with this requirement. Mrs. Wilmoth gave the Commission a copy of a brochure and pictures to pass around outlining this company which has been in business for about 30 years.

Director Kraintz said similar to the last case, lawn care services are not allowed in the C-1 Commercial Zoning District. He said despite his efforts to find a similar use that would fit for lawn care services, as well as consulting with the City Attorney, neither he nor the City Attorney could not find an existing type of business that would allow it by right or Special Use Permit. He said in talking with Mrs. Wilmoth about this, she pointed out there were a number of other types of uses in the C-1 zone district that are on par with lawn care services. She had told him that all of these vehicles would be stored inside. He said as this Commission considers this type of use in this district, screening this type of equipment will always be an issue. He said the similar uses Mrs. Wilmoth brought up were the home improvement and home repair contractor uses, which are allowed in the C-1 district. He said in order for Mrs. Wilmoth to move forward on the acquisition, this list of uses would need to be changed.

Commissioner Labit asked what the Commission was being asked to do. Director Kraintz said the Commission could make a recommendation to allow lawn care services in the C-1 Zone district tonight or request further study to determine whether it should not be allowed in this C-1 district. He confirmed with Mrs. Wilmoth that she was selling her Midwest Marble and Granite business and the lawn care business would be operating out of this building.

Mrs. Wilmoth addressed the issue of parking of vehicles. She said a portion of our property that is enclosed in a sight-proof fence, and it is the plan of this potential owner to park vehicles inside this fence.

Commissioner Labit asked if a text amendment were made would this require a Special Use Permit or how would it be handled. Director Kraintz said the uses that are considered on par are currently only allowed by Special Use Permit and to safeguard the community and the businesses in the C-1 Commercial Zoning District. He said a Special Use Permit would assure that conditions such as screening, adequate buffering and space, landscaping, etc, are applied. He said if it is a permitted use, the business would only be required to apply for a re-occupancy use permit.

Commissioner Labit suggested that staff review this amendment for the proper language. Director Kraintz said it depends on what the Commission is looking for in terms of what are considered issues. He said this is a little different from the last case because there currently are similar commercial uses in the district. He said the Commission could make a recommendation that stated lawn care services would be allowed in the C-1 zone district, but by Special Use Permit and that would be forwarded to the Board of Aldermen for a public hearing three weeks from now.

Commissioner Fluchel said there are no pictures of what Lawn Managers' current facility looks like on the outside. Mrs. Wilmoth said that pictures are in the handout she passed out to the Commission. Commissioner Fluchel said there are no pictures showing where the lawn mowers would be parked. Mrs. Wilmoth said they do not perform lawn mowing but do lawn care, lawn treatment plus the other list of services she'd mentioned. Commissioner Fluchel asked how many employees Lawn Managers had. Mrs. Wilmoth said she believed there are about twenty and added she could get specific answers if necessary.

Commissioner Korte asked if this business was relocating to Mrs. Wilmoth's property and would be selling and renting lawn equipment. Mrs. Wilmoth confirmed the relocation but said it was her understanding that they want to supplement some of their other locations with one here in Manchester because they feel it would facilitate their handling of customers that are in this particular geographical area. She said she doesn't believe that all other locations will be relinquished and this will replace them. She said she thinks those other locations will exist.

Commissioner Brown said Manchester doesn't have any lawn care service businesses like this nearby and felt it would be a great entity to have in the City. He said if the City allows Mrs. Wilmoth's business which has a lot of things going on and a lot of outside storage, there should not be an objection the Lawn Managers moving in, especially if they plan to park in back and not have lawn equipment.

Mayor Willson confirmed that Mrs. Wilmoth has three parcels and the center one with the building is where the potential company would be and the other two would remain for sale.

Commissioner Smith asked if this type of business was specifically excluded from the C-1 zone district or simply not allowed. Director Kraitz said they are not specifically prohibited, but no other business resembles this type of business included in the code, so in that case they are considered prohibited. Commissioner Smith said there could be an argument that there was no intent on necessarily prohibiting them. Director Kraitz said it possibly was a simple oversight or just never contemplated as a use in this district.

Alderman Clement said that he and the Commission should welcome this business. He said he distinguishes between this parcel and one that fronts on Manchester Road. He said adjacent to this parcel is a salt dome, a public works facility, and several automobile repair places and is not concerned with the business and its equipment. He said this seems to be a good use of that property and beneficial to the City. He said the City should either make it a special use permit or just add it to the permitted uses.

Chairman Truesdell asked if the principals of the business had been invited to this meeting tonight. Mrs. Wilmoth said she had not but probably should have. He said he was glad to learn that the principals had not been invited because he would have been concerned if they had and chosen not to appear. Chairman Truesdell said he would be in favor of making this a Special Use Permit so that the City can maintain some sort of control. He said another concern he has is the fact that this business will be doing fertilizing which would mean there will be chemicals on site. Mrs. Wilmoth said it was her understanding that what they use is dry and gets dispensed from there. Chairman Truesdell said there is dust which is a fire hazard issue.

Mrs. Wilmoth said she tried to expedite things once she conversed with Director Kraitz about the requirements and steps needed to present this case. Chairman Truesdell said he appreciated her appearing tonight and for her efforts to present the case, but the responses Mrs. Wilmoth has given regarding the Lawn Managers are based on conjecture and he feels that the Lawn Managers should appear before the Commission to provide the questions that the Commission has about their business.

Chairman Truesdell asked if this Commission makes a favorable recommendation to the Board for a text amendment making this a special use and the Board approves this as a special use, can this company apply for their Special Use Permit before they have purchased the property. Director Kraitz

said it could if they are under contract because they would be owner under contract. He said there would have to be some sort of interest at stake for them to be an applicant.

Mrs. Wilmoth said she appreciates the specific points made because we all want to do things in the right order. She said she understands that in order for the Special Use Permit to be granted, the property must be under contract and any contract could have a contingency within it that states a Special Use Permit is required. Chairman Truesdell said that Mrs. Wilmoth would need to contact City staff to obtain the specifics of the procedures. Director Kraintz said there are several things that need to happen. He said first the Board has to adopt the use into the codes by ordinance. He said at that time, the buyer, if under contract, can apply for a Special Use Permit to allow lawn care services at that address and if they meet all criteria of the Special Use Permit, the permit may be issued and depending on the terms of the contract, the sale then could be consummated.

Mrs. Wilmoth asked if she needed to wait for this Commission to make a recommendation to the Board and if so would the Commission let her know if it did. Director Kraintz said this Commission will be voting on the recommendation in the next few minutes, but she would have to wait for the public hearing which would be three weeks from now on January 3 before it goes before the Board for review and possible approval.

Director Kraintz summarized the steps. He said this Commission will make a recommendation to the Board for a text amendment to the C-1 zone district that allows the lawn care services to become a specially permitted use. There will be a public hearing at the Board meeting on January 3 to determine whether or not this amendment is approved as a specially permitted use in the C-1 zone district.

Commissioner Labit made the motion to make a favorable recommendation to the Board of Aldermen on CASE #11-TXT-002. Commissioner Brown seconded the motion; it was passed by voice vote. The vote taken was recorded as follows:

<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Excused</u>
7	0	0	0

Mrs. Wilmoth thanked the Commission for hearing her case and said she will be calling Director Kraintz to make sure she has a thorough understanding of everything. Alderman Clement suggested that Mrs. Wilmoth and the principals attend this meeting in order to present this case and to answer any questions the Board may have. Director Kraintz again reminded Mrs. Wilmoth that the next Board meeting will be on Tuesday, January 3, 2012.

7. PLANNING AND ZONING DIRECTOR'S REPORT

Planning and Zoning Director Kraintz said there will be no other meetings this year. He said staff will be setting up the Appreciation Dinner for early next year.

8. EX-OFFICIO'S REPORT

Alderman Clement said the Board of Aldermen passed the 2012 budget and there will be a surplus at the end of the year.

9. COMMENTS FROM THE PLANNING AND ZONING COMMISSION

Commissioner Brown asked what the status was on Sushi Ai. Director Kraintz said Sushi Ai is under construction and because of some changes in the site plan, the County required the City to sign off on the plans again. He added he'd not heard anything more from Hoods either. Commissioner Brown asked about Fifth Third Bank. Director Kraintz said it has been a 5-year project in the making. Commissioner Brown asked how the ponds and fish place is doing. Alderman Clement said he'd recently talked to the

owner who seemed fairly positive although it wasn't necessarily a bumper year and that all the plants and fish have been winterized and will be ready for the spring season.

10. ADJOURNMENT

Commissioner Brown made the motion to adjourn the Planning and Zoning Commission meeting of December 12, 2011, at 9:05 p.m. Motion seconded by Commissioner Fluchel; motion approved by voice vote. The vote taken was recorded as follows:

<u>Ayes</u>	<u>Nays</u>	<u>Abstentions</u>	<u>Excused</u>
7	0	0	0

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